



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

WILLIAM J. FURNAS

Serial No: 09/318,249

Filed: May 25, 1999

For: CONTAINER INSPECTION MACHINE...

: Paper No: 12

: Art Unit: 2878

: Examiner: T.Luu

: Docket No: 5298-18

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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April 3, 2002
Jean L. Gianfriddo

SUPPLEMENTAL BRIEF ON APPEAL

This is a Supplemental Appeal Brief and it is filed in triplicate. Please charge Deposit Account No. 50-0696 the \$110.00 fee required for a one month extension of time required for the filing of this Supplemental Appeal Brief and any additional fee.

(6A) Supplemental Issue

1. Is claim 1 novel over Juvinall U.S. Patent No. 4,601,395.

(7) Grouping Of The Claims

This application only has one independent claim and all dependent claims relate to claim 1.

(8) Argument

1. Is claim 1 novel over Juvinall

The examiner has rejected the claim 1 as anticipated by Juvinall. Juvinall discloses a light source that has a single brightness level. It is shown as a single light bulb. It is

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accordingly impossible for the Juvinall light source to anticipate claim 1. Claim 1 clearly provides that it is the illumination area of the light source that has a variety of intensities. Claim 1 provides for

"a light source, having an illumination area,..."

Claim 1 also provides for

"means for defining on said illumination area light intensities varying between a minimum brightness level that will permit the identification of a light blocking defect and a maximum brightness level,..."

As shown in Figure 2 of Juvinall presented above, Juvinall uses a single conventional light bulb. It has a single intensity. Intensity levels varying between a minimum brightness level and a maximum brightness level can not be defined on that light source. Juvinall accordingly does not teach the claimed invention and the Examiner's rejection under section 102 is in error and should be reversed.

Juvinall discloses a filter which receives the light from the illumination device and defines a light pattern having varying intensities on the filter. That is the prior art. The examiner erroneously argues that this filter defines these light variations on the light source. To the contrary, Juvinall defines these light variations on the filter. There is no light variation on the light source in Juvinall. The claimed

invention requires that the variation in intensities be created "on said illumination area". Juvinall does not do this and the section 102 rejection is erroneous.

Respectfully submitted.

By



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